

a member of the president's club for 6 years, and 10 years on the leadership conference, David has redefined loyalty and dedication in the workplace. If ever there was a man who could be counted on to put forth his best effort day in and day out, David Hendel is that man.

David has not merely made his mark at MetLife, he has also worked hard to better his community and this is what makes him such a special individual. A veteran of the U.S. Army, David has devoted his spare time to such organizations as the West Hartford Zoning Board of Appeals, the West Hartford Democratic Town Committee, and Temple Beth El of West Hartford. Truly, David has taught a generation of West Hartford residents the meaning and value of community service.

A true role model, David has shown us all that we must work both as individuals and as parts of a greater community to leave a positive mark on the world around us. As Members of Congress, we are charged with improving and strengthening the fabric of this Nation. I hope this body recognizes that, by following the lead of citizens like David Hendel, we can all advance toward that lofty goal.●

#### NOMINATION OF JOHN DOUGLASS TO BE ASSISTANT SECRETARY OF THE NAVY

● Mr. LEVIN. Mr. President, I wish to offer a few comments on the nomination of John Wade Douglass to be the Assistant Secretary of the Navy for Research, Development and Acquisition. John has served as a professional staff member of the Senate Armed Services Committee for more than 3 years, and he has served the committee well.

John has been responsible for technology base programs and defense research and development issues, as well as NATO issues, for the committee's Democratic members. He has worked on such difficult tasks as reducing the size of the Defense Department and its budget while keeping a coherent program of research and technology that will help preserve our national security in the decades to come. He has also dealt with the thorny issues of Bosnia and NATO expansion.

In all his work for the committee, John has offered wise and creative approaches to these difficult issues. For example, he has been a tireless champion of cost-sharing in Federal dual-use research funding, which has now become a standard practice for the Pentagon and other government agencies. This new standard will save the taxpayer hundreds of millions of dollars while improving the chances that the joint research bears fruit for both the military and civilian users.

Mr. President, I have enjoyed the opportunity to work with John over the past 3 years. He has worked with me on a number of issues, always with energy, intelligence, and humor. Clearly, the Navy's gain will be the commit-

tee's loss. I want to offer my congratulations to John and wish him well in his new position. If he serves the Navy as well as he did the committee, as I am sure he will, the Nation will be well served indeed.●

Mr. SMITH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROFESSIONAL BOXING SAFETY ACT

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 209, S. 187, the Professional Boxing Safety Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 187) to provide for the safety of journeyman boxers, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

#### AMENDMENT NO. 3039

(Purpose: To provide a substitute)

Mr. SMITH. Mr. President, I send an amendment to the desk on behalf of Senator McCain.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for Mr. MCCAIN (for himself, Mr. BRYAN, and Mr. ROTH) proposes an amendment numbered 3039.

Mr. SMITH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3039) was agreed to.

Mr. SMITH. I ask unanimous consent that the bill be deemed read a third time, passed as amended, the motion to reconsider be laid upon the table and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 187), as amended, was passed.

#### AUTHORIZING THE PRINTING OF REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 190, submitted earlier today by Senators WARNER and FORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 190) to authorize the printing of a revised edition of the Senate Election Law Guidebook.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 190) was agreed to, as follows:

#### S. RES. 190

*Resolved*, That the Committee on Rules and Administration is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate Document 103-13, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

#### NATIVE AMERICAN TECHNICAL CORRECTIONS ACT

Mr. SMITH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 196, S. 325.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 325) to make certain technical corrections in laws relating to native Americans and for other purposes.

The Senate proceeded to consider the bill.

#### AMENDMENT NO. 3040

(Purpose: To provide a substitute)

Mr. SMITH. Mr. President, I send an amendment to the desk on behalf of Senator McCain and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. MCCAIN, proposes an amendment numbered 3040.

Mr. SMITH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. McCAIN. Mr. President, I rise today to express my support for S. 325, a bill to make technical amendments to various laws affecting Native Americans and to urge its immediate adoption. This bill includes a number of provisions which address a wide range of Indian issues. I am joined by a number of Senators who have sponsored provisions which have been included in S. 325. I will briefly describe the provisions of S. 325 as amended. Section 1 of the bill makes technical corrections to section 9 of the Pokagon Potawatomi Restoration Act. These corrections would change the references in section 9 from plural to singular. Section 2 of S. 325 makes technical corrections to the Odawa and Ottawa Restoration Act. This section corrects all of the references in section 9 by using the plural.

The third section of S. 325 would address a longstanding problem in Indian policy. I have worked extensively with my good friend and colleague from Arizona, Senator KYL, to repeal the Trading with Indians Act. The Trading with Indians Act was originally enacted in the 1800's to protect Indians from unscrupulous Indian agents and other Federal employees. The prohibitions in the Trading with Indians Act were designed to prevent Federal employees from using their positions of trust to engage in private business deals that exploited Indians. These prohibitions carried criminal penalties including a fine of up to \$5,000 and removal from Federal employment. The Trading With Indians Act has had significant adverse impacts on employee retention in the Indian Health Service [IHS] and the Bureau of Indian Affairs [BIA]. The problems stemming from the Trading with Indians Act are well-documented. Because the prohibitions in the Trading with Indians Act apply to the spouses of IHS and BIA employees, the adverse impacts are far-reaching. For example, if a spouse of an IHS employee is engaged in a business that is wholly-unrelated to the BIA or the IHS and does not transact business with the BIA or the IHS, the spouse is still in violation of the Trading with Indians Act. It is clear that although this statute served an admirable purpose in the 1800's, it has become anachronistic and should be repealed. The important policies reflected in the Trading with Indians Act are now covered by the Standards of Ethical Conduct for Employees of the Executive Branch.

In addition, to the original sections of the bill there are a number of additional sections included in S. 325 at the request for a number of Indian tribes. Section 4 of the amendment corrects a citation in section 4 of the Indian Dams Safety Act of 1994. Section 5 of S. 325 amends the Pascua Yaqui Indians Act to capitalize the words "Pascua Yaqui Tribe." Section 6 amends section 3(7) of the Indian Lands Open Dump cleanup Act of 1994 to correct the cita-

tion to the Solid Waste Disposal Act. Section 7 of the bill amends the American Indian Trust Fund Management Reform Act of 1994 to correct a reference in section 303(c) of the Act and to correct a typographical error in section 306 of the Act. Section 8 of the bill makes several technical and conforming changes to the Indian Self-Determination and Education Assistance Act. Section 9 of the bill corrects a reference in section 102 of the Indian Self-Determination Contract Reform Act of 1994. Section 10 of the bill corrects certain references in sections 203 and 206 of the Auburn Indian Restoration Act. Section 11 of the bill amends the Crow Boundary Settlement Act of 1994 corrects several references in sections 5, 9, and 10 of the Act. Section 12 of S. 325 corrects a typographical error in section 205 of the Tlingit and Haida Status Clarification Act. Section 13 of the bill amends section 103 of the Native American Languages Act to correct several citations in the section. Section 14 of the bill amends section 5 of the Ponca Restoration Act to modify the service area of the Ponca Indian Tribe to include Indians living in Sarpy, Burt, Platte, Stanton, Hall, Holt, and Wayne counties in Nebraska and Indians living in Woodbury and Pottawattomie counties in Iowa. It has been estimated that there are 110 Ponca tribal members living in these counties who are not currently eligible to receive services from the tribe. This amendment to the Ponca Restoration Act would make these members eligible for tribal services from the Ponca Tribe. I would like to recognize the leadership of the delegation from Nebraska, Senators EXON and KERREY, who brought this provision to my attention and urged its inclusion in S. 325.

Section 15 of S. 325 amends section 112 of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 to extend the time for the completion of the activities to be conducted by the parties to the settlement by six months. Under the original Act, the Secretary is required to publish in the Federal Register by December 31, 1995 a statement of findings that includes a finding that the contracts between the parties for Central Arizona Project water have been executed. Due to several unforeseen developments, the Department of the Interior, the Yavapai-Prescott Tribe, and the City of Prescott have requested an additional 6 months to finalize the agreements and publish the Secretary's findings in the Federal Register.

Section 16 of the bill modifies the definition of the term Indian "Health Profession" in the Indian Health Care Improvement Act. This modification will allow the Indian Health Service additional flexibility in awarding scholarships and offering loan repayment to individuals enrolled in degree programs in the health professions. As originally defined, the term health profession unnecessarily restricted the eligibility of individuals for scholarships. Subsection (b) amends section 104 of

the Indian Health Care Improvement Act to make clear that an individual serving in an academic setting that is funded under sections 102, 112, or 114 of the Act who is responsible for the recruitment and training of Indian Health Professionals shall be considered to be meeting their service obligations under section 338A of the Public Health Service Act. This provision will allow an individual to meet their service obligation to the IHS by working at a university or other academic setting which is responsible for recruiting and training American Indians in the health professions. The amendment also clarifies that the Secretary may defer an individual's service obligations during the term of an internship, residency or other advanced clinical program. Further, subsection (b) provides that any obligation for service or payment by an individual to the IHS shall expire upon their death. It also authorizes the Secretary to waive or suspend a service or payment obligation upon the Secretary's determination that it would cause extreme hardship or to enforce such a requirement would be unconscionable. Finally, the provision makes clear the terms under which an individual's payment obligation may be discharged in a bankruptcy proceeding. Subsection (c) of this section clarifies certain provisions in section 206 of the Indian Health Care Improvement Act regarding the notice provisions for individuals in collection actions for services provided by IHS or tribal health facilities and recoverable costs in such a collection action and the right of the United States and Indian tribes to recover against an insurance company or employee benefit plan.

Section 17 of the bill provides for the revocation of the charter of incorporation of the Minnesota Chippewa Tribe under the Indian Reorganization Act. The Minnesota Chippewa Tribe has requested the Congress to accept their surrender of the Corporate Charter of the Minnesota Chippewa. By its own terms, this charter can only be revoked by Act of Congress. This provision would revoke the charter. I would like to express my appreciation to my good friend the Senator from Minnesota, Senator WELLSTONE for his hard work and diligence on behalf of the Minnesota Chippewa Tribe in advancing this amendment. Section 18 of the bill amends section 533(c) of the Equity in Educational Land Grant Status Act of 1994 to clarify how the Indian student count shall be applied to the Tribally Controlled Community Colleges. Section 19 of S. 325 will amend the Advisory Council on California Indian Policy Act of 1992 to extend the term of the Advisory Council on California Indian Policy from 18 months to 36 months in order to allow them to complete their study of issues affecting California Indian tribes. Section 20 of the bill amends the San Carlos Apache Tribe Water Rights Settlement Act of

1992 to extend the deadline for the parties to the settlement complete agreements between the San Carlos Apache Tribe, the Phelps-Dodge Corporation, and the Town of Globe for an additional year. This amendment would extend the deadline from December 31, 1995 to December 31, 1996. The Department of the Interior, the San Carlos Apache Tribe and the other parties to the settlement have expressed their support for this provision.

Section 21 of the bill amends section 401 of the Public Law 100-581, to provide the authority to the Army Corps of Engineers to provide funding for the operation and maintenance of in lieu fishing access sites on the Columbia River. Public Law 100-581 was enacted in 1988 to authorize the U.S. Army Corps of Engineers to develop 32 Indian fishing access sites along the Columbia River for the Warm Springs, Yakima, Umatilla, and Nez Perce tribes. These fishing sites were intended to compensate these Indian tribes for fishing sites which were lost due to the construction of several dams by the Army Corps of Engineers. In a June 25, 1995 Memorandum of Understanding between the Army Corps of Engineers and the Department of the Interior, the Corps agreed to a lump sum payment of funds to provide for the operation and maintenance of such sites. I would like to express my appreciation to the Senator from Oregon, Mr. HATFIELD, for his leadership in advancing this provision. I have worked closely with him in ensuring that this provision is clarified and provides the necessary authority to ensure that these sites are adequately maintained.

Section 22 of the bill provides authority to the Ponca Indian Tribe of Nebraska to utilize funds provided in prior fiscal years to acquire, develop, and maintain a transitional living facility for Indian adolescents. I understand that the Ponca Indian Tribe has worked closely with Senator CONRAD, who has been the principal sponsor of this amendment. I would like to express my appreciation for the work of Senators KYL, THOMAS, KERREY, EXON, CONRAD, HATFIELD, WELLSTONE, and INOUE in the development of many of these amendments and I urge my colleagues to support passage of S. 325.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3040) was agreed to.

#### TREATY FISHING SITE AMENDMENT

• Mr. HATFIELD. Mr. President, the relationship of the United States Government with Native American tribes has often been plagued by broken promises and unfinished tasks. Treaties with the four Columbia River fishing tribes, the Warm Springs, Umatillas, Yakima, and the Nez Perce guarantee them the right to fish in the Columbia River. When dams flooded out their fishing sites in the 1930's, the Federal Government agreed to provide 400 acres of new sites "in lieu of those inundated."

Throughout the years, we have failed to make good on that commitment. About 40 acres have been provided, and these areas are in poor condition. In 1988, Congress remedied this dilemma by passing the Columbia River Treaty Fishing Access Sites Act. The Act requires the Army Corps of Engineers to rehabilitate the existing sites and develop new sites to the full 400 acres. Once developed the Corps is to transfer the sites to the Bureau of Indian Affairs as trustee for the tribes.

Since fiscal year 1994, \$7.8 million has been appropriated to the Corps for this purpose. Expenditure of this money has been stalled due to a disagreement between the Corps and the BIA over which would be responsible for operation and maintenance costs after the transfer. The two agencies have reached an agreement and my amendment will provide clear legislative authority for the Corps to transfer the Operation and Maintenance funds to the Bureau of Indian Affairs.

I am pleased we have reached an agreement that is acceptable to all the parties involved and I am proud that we have fulfilled our commitment to the tribes. •

Mr. KYL. Mr. President, I rise in support of this legislation to make technical corrections in certain laws relating to Native Americans, particularly section 3 of the bill which would repeal the Trading With Indians Act.

Mr. President, the Chairman of the Indian Affairs Committees, Senator MCCAIN, and I began working for the repeal of the Trading With Indians Act during the last Congress. Senator MCCAIN championed the issue in this body. I sponsored the companion bill while I was still serving in the House of Representatives. I want to thank the chairman for his continuing personal involvement, and for acting so promptly on the issue this year.

The Trading With Indians Act was originally enacted in 1834, and it had a legitimate purpose at that time—to protect Native Americans from being unduly influenced by Federal employees.

But, a law that started out with good intentions more than a century ago has become unnecessary and counterproductive today. It establishes a virtually absolute prohibition against commercial trading with Indians by employees of the Indian Health Service and Bureau of Indian Affairs. The prohibition extends to transactions in which a Federal employee has an interest, either in his or her own name, or in the name of another person, including a spouse, where the employee benefits or appears to benefit from such interest.

The penalties for violations can be severe: a fine of not more than \$5,000, or imprisonment for not more than 6 months, or both. The Act further provides that any employee who is found to be in violation should be terminated from Federal employment.

This all means that employees could be subject to criminal penalties or

fired from their jobs, not for any real or perceived wrongdoing on their part, but merely because they are married to individuals who may do business on an Indian reservation. The nexus of marriage is enough to invoke penalties. It means, for example, that an Indian Health Service employee, whose spouse operates a law firm on the Navajo Nation, could be fined, imprisoned, or fired. It means that a family member can't apply for a small business loan without jeopardizing the employee's job.

Mr. President, in some cases, the Trading With Indians Act even threatens to break up Indian families. I ask unanimous consent that the text of a column, which Jack Anderson and Michael Binstein wrote on the subject in December of 1993, appear in the RECORD at the conclusion of my remarks.

The protection that the Trading With Indians Act provided in 1834 can now be provided under the Standards of Ethical Conduct for Government Employees. The intent here is to provide adequate safeguards against conflicts of interest, while not unreasonably denying individuals and their families the ability to live and work—and create jobs—in their communities.

Both Health and Human Services Secretary Donna Shalala and Interior Department Assistant Secretary Ada Deer have expressed support for the legislation to repeal the 1834 Act. Secretary Shalala, in a letter dated November 17, 1993, noted that repeal "could improve the ability of IHS to recruit and retain medical professional employees in remote locations. It is more difficult for IHS to recruit and retain medical professionals to work in remote reservation facilities if their spouses are prohibited from engaging in business activities with the local Indian residents, particularly since employment opportunities for spouses are often very limited in these locations."

Let me cite one very specific case in which the law has come into play. It involved Ms. Karen Arviso, who served as the Navajo area IHS health promotion and disease prevention coordinator. Ms. Arviso was one of those people who played a particularly critical role during the outbreak of the hantavirus in the Navajo area several years ago. She put in long hours traveling to communities across the reservation in an effort to educate people about the mysterious disease.

Instead of thanks for her dedication and hard work, Ms. Arviso received a notice that she was to be fired because her husband applied for a small business loan from the Bureau of Indian Affairs. The Trading With Indians Act would require it. What sense does that make?

Mr. President, repeal of the Trading With Indians Act is long overdue. I hope we will pass this legislation today unanimously, and that the House will act on it promptly.

I ask unanimous consent that the Anderson/Binstein column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 6, 1993]

# AN OBSOLETE LAW ENDANGERS A MARRIAGE

(By Jack Anderson and Michael Binstein)

This fall, Albert Hale nearly decided to make what he regarded as the ultimate sacrifice for his beloved wife of five years: divorce her.

I don't want my wife to go to jail," Hale said. "If I can save her from going to jail by divorcing her then that's a real option."

The possibility made the Hales heartsick, and left their young daughter—who overheard one of their hushed discussions—distraught. But a 160-year-old federal law offered little latitude. The Trading with Indians Act of 1834 carries a six-month jail sentence and/or up to a \$5,000 fine, and the "case" against Regina Hale appeared to be open and shut. If there's a lesson, it may be that old and obsolete laws die hard.

The law prohibits all "commercial" trading with American Indians by Indian Health Service or Bureau of Indian Affairs employees or "in the name of a family member or spouse" of an employee.

An IHS official told us there weren't many violations of the law until the government started hiring greater numbers of Native Americans whose spouses often work on the reservations and own businesses. The two main employers on most reservations are the tribal government and the federal government.

Albert and Regina Hale are American Indians who were born and reared on the Navajo reservation in Window Rock, Ariz. She is now employed as a personnel staffing assistant for the IHS. He has practiced law on the reservation since 1972. They are raising Regina's 9-year-old daughter in their own house on a 1½-acre lot on the reservation, because that's "where we're from."

There they lived as a normal happy family, until one morning when Regina opened the mail and discovered that the marriage rendered her in "violation" of the Trading with Indians Act and would be "cause for severe disciplinary action, as well as criminal penalties."

"We were appalled by the letter . . . but what do you do? How do you as a married couple resolve this? Maybe the best thing to do is get divorced," Albert Hale told our associate, Andrew Conte.

When the law was enacted, Congress feared that non-Indian officials of the War Department would set up shops on the reservations to fleece Indians of the funds they received from the government. Nearly 160 years later, this dusty relic is haunting Regina and Albert Hale, as well as other Indian couples who work for the IHS or the BIA and who own businesses on reservations.

In another case, Karen Arviso, who worked last summer in Crownpoint, N.M., as a community outreach worker to help locate the causes of a mysterious fatal virus in the Southwest, almost lost her job because of the law. When her husband applied for a loan at the BIA to open a gas station on the Navajo reservation, IHS informed her that she would have to resign if he started the business.

"This is one of those anachronisms," Rep. Jon Kyl (R-Ariz.) told us. "The law was needed back 150 years ago, but now you don't need it. This is just one of those things we ought to get off the books because unfortunately real people are in violation of real law and we don't intend for that situation to exist."

Kyl and Sen. John McCain (R-Ariz.) are leading the crusade to repeal the law in Congress.

Though the law has seldom been enforced this century, the few instances in which it has been invoked caused inconvenience rather than imprisonment.

In the early 1980s, an assistant secretary of BIA who wanted to rent his house to an Indian was prevented from doing so. An official at IHS told us other employees of that agency had been prevented from selling Avon products in predominantly Indian neighborhoods.

Health and Human Services Secretary Donna E. Shalala has promised not to fire or prosecute IHS employees because of violations, but word has apparently not reached Arizona. An IHS official there said "they haven't heard anything" about not prosecuting the cases and therefore the Hales and the handful of other people affected by the law are "still under the gun."

Regina Hale promises to fight. "My daughter heard us the other night talking about getting a divorce and she . . . started to cry because she didn't understand," she said. "We're going to live through this and we're going to fight."

Mr. SMITH. I ask unanimous consent the bill be deemed read a third time and passed as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 325) was deemed read the third time and passed, as follows:

S. 325

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. CORRECTION TO POKAGON RESTORATION ACT.

Section 9 of the Act entitled "An Act to restore Federal services to the Pokagon Band of Potawatomi Indians" (25 U.S.C. 1300j-7a) is amended—

(1) by striking "Bands" each place it appears and inserting "Band";

(2) in subsection (a), by striking "respective"; and

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "membership rolls that contain" and inserting "a membership roll that contains"; and

(II) by striking "in such" and inserting "in the"; and

(ii) in the second sentence, by striking "Each such" and inserting "The";

(B) in paragraph (2)—

(i) by striking "rolls have" and inserting "roll has"; and

(ii) by striking "such rolls" and inserting "such roll";

(C) in the heading for paragraph (3), by striking "ROLLS" and inserting "ROLL"; and

(D) in paragraph (3), by striking "rolls are maintained" and inserting "roll is maintained".

## SEC. 2. CORRECTION TO ODAWA AND OTTAWA RESTORATION ACT.

(a) REAFFIRMATION OF RIGHTS.—The heading of section 5(b) of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k-3) is amended by striking "TRIBE" and inserting "BANDS".

(b) MEMBERSHIP LIST.—Section 9 of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k-7) is amended—

(1) in subsection (a)—

(A) by striking "Band" the first place it appears and inserting "Bands"; and

(B) by striking "the Band." and inserting "the respective Bands."; and

(2) in subsection (b)(1)—

(A) in the first sentence, by striking "the Band shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Band" and inserting "each of the Bands shall submit to the Secretary a membership roll that contains the names of all individuals that are eligible for membership in such Band"; and

(B) in the second sentence, by striking "The Band, in consultation" and inserting "Each such Band, in consultation".

## SEC. 3. FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS.

(a) REPEAL.—Section 437 of title 18, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 18, United States Code, is amended by striking the item relating to section 437.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply with respect to any contract obtained, and any purchase or sale occurring, on or after the date of enactment of this Act.

## SEC. 4. INDIAN DAMS SAFETY ACT OF 1994.

Section 4(h) of the Indian Dams Safety Act of 1994 (108 Stat. 1562) is amended by striking "(under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), as amended," and inserting "under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)".

## SEC. 5. PASCUA YAQUI INDIANS OF ARIZONA.

Section 4(b) of the Act entitled "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes" (25 U.S.C. 1300f-3(b)) is amended by striking "Pascua Yaqui tribe" and inserting "Pascua Yaqui Tribe".

## SEC. 6. INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994.

Section 3(7) of the Indian Lands Open Dump Cleanup Act of 1994 (108 Stat. 4165) is amended by striking "under section 6944 of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)" and inserting "under section 4004 of the Solid Waste Disposal Act (42 U.S.C. 6944)".

## SEC. 7. AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.

(a) MAINTENANCE OF RECORDS.—Section 303(c)(5)(D) of the American Indian Trust Fund Management Reform Act of 1994 (108 Stat. 4247) is amended by striking "made under paragraph (3)(B)" and inserting "made under subparagraph (C)".

(b) ADVISORY BOARD.—Section 306(d) of the Indian Trust Fund Management Reform Act (25 U.S.C. 4046(d)) is amended by striking "Advisory Board" and inserting "advisory board".

## SEC. 8. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) DEFINITIONS.—Section 4(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(j)) is amended by striking "That except as provided the last proviso in section 105(a) of this Act," and inserting "That except as provided in paragraphs (1) and (3) of section 105(a),".

(b) CARRYOVER FUNDING.—Section 8 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 13a) is amended by striking "the provisions of section 106(a)(3)" and inserting "the provisions of section 106(a)(4)".

(c) REPAYMENT OF FUNDS.—Section 5(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(d)) is amended by striking “106(a)(3) of this Act” and inserting “106(a)(4)”.

(d) SELF-DETERMINATION CONTRACTS.—The first sentence of the flush material immediately following subparagraph (E) of section 102(a)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(a)(2)) is amended by striking “the second sentence of this subsection” and inserting “the second sentence of this paragraph”.

(e) CONTRACT OR GRANT PROVISIONS AND ADMINISTRATION.—Section 105(a)(3)(C)(ii) of the Indian Self-Determination and Education Assistance Act (42 U.S.C. 450j(a)(3)(C)(ii)) is amended—

(1) in subclause (VII), by striking “chapter 483” and inserting “chapter 482”; and

(2) in subclause (IX), by striking “The Service Control Act of 1965” and inserting “The Service Contract Act of 1965”.

(f) APPROVAL OF CONSTRUCTION CONTRACTS.—Section 105(m)(4)(C)(v) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(m)(4)(C)(v)) is amended by striking “sections 102(a)(2) and 102(b) of section 102” and inserting “subsections (a)(2) and (b) of section 102”.

#### SEC. 9. INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994.

Section 102(11) of the Indian Self-Determination Contract Reform Act of 1994 (108 Stat. 4254) is amended by striking “subsection (e)” and inserting “subsection (e) of section 105”.

#### SEC. 10. AUBURN INDIAN RESTORATION.

(a) ECONOMIC DEVELOPMENT.—Section 203 of the Auburn Indian Restoration Act (25 U.S.C. 13001-1) is amended—

(1) in subsection (a)(2), by striking “as provided in section 107” and inserting “as provided in section 207”; and

(2) in subsection (b), by striking “section 104” and inserting “section 204”.

(b) INTERIM GOVERNMENT.—The last sentence of section 206 of the Auburn Indian Restoration Act (25 U.S.C. 13001-4) is amended by striking “Interim council” and inserting “Interim Council”.

#### SEC. 11. CROW BOUNDARY SETTLEMENT ACT OF 1994.

(a) ENFORCEMENT.—Section 5(b)(3) of the Crow Boundary Settlement Act of 1994 (108 Stat. 4636) is amended by striking “provisions of subsection (b)” and inserting “provisions of this subsection”.

(b) APPLICABILITY.—Section 9 of the Crow Boundary Settlement Act of 1994 (108 Stat. 4640) is amended by striking “The Act” and inserting “This Act”.

(c) ESCROW FUNDS.—Section 10(b) of the Crow Boundary Settlement Act of 1994 (108 Stat. 4641) is amended by striking “(collectively referred to in this subsection as the ‘Suspension Accounts’)” and inserting “(collectively referred to in this section as the ‘Suspension Accounts’)”.

#### SEC. 12. TLINGIT AND HAIDA STATUS CLARIFICATION ACT.

The first sentence of section 205 of the Tlingit and Haida Status Clarification Act (25 U.S.C. 1215) is amended by striking “Indian tribes” and inserting “Indian Tribes”.

#### SEC. 13. NATIVE AMERICAN LANGUAGES ACT.

Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking “under section 5351(4) of the Indian Education Act of 1988 (25 U.S.C. 2651(4))” and inserting “under section 9161(4) of the Improving America's Schools Act of 1994 (20 U.S.C. 7881(4))”; and

(2) in paragraph (3), by striking “section 4009 of Public Law 100-297 (20 U.S.C. 4909)” and inserting “section 9212(1) of the Improving America's Schools Act of 1994 (20 U.S.C. 7912(1))”.

#### SEC. 14. PONCA RESTORATION ACT.

Section 5 of the Ponca Restoration Act (25 U.S.C. 983c) is amended—

(1) by inserting “Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne,” before “Knox”; and

(2) by striking “or Charles Mix County” and inserting “, Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County”.

#### SEC. 15. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking “December 31, 1995” and inserting “June 30, 1996”.

#### SEC. 16. INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) DEFINITION OF HEALTH PROFESSION.—Section 4(n) of the Indian Health Care Improvement Act (25 U.S.C. 1603(n)) is amended—

(1) by inserting “allopathic medicine,” before “family medicine”; and

(2) by striking “and allied health professions” and inserting “an allied health profession, or any other health profession.”.

(b) INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.—Section 104(b) of the Indian Health Care Improvement Act (25 U.S.C. 1613a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking the matter preceding clause (i) and inserting the following:

“(3)(A) The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 2541) that an individual has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice, by service—”;

(ii) by striking “or” at the end of clause (iii);

(iii) by striking the period at the end of clause (iv) and inserting “; or”; and

(iv) by adding at the end the following new clause:

“(v) in an academic setting (including a program that receives funding under section 102, 112, or 114, or any other academic setting that the Secretary, acting through the Service, determines to be appropriate for the purposes of this clause) in which the major duties and responsibilities of the recipient are the recruitment and training of Indian health professionals in the discipline of that recipient in a manner consistent with the purpose of this title, as specified in section 101.”;

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) At the request of any individual who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

“(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

“(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

“(iii) The active duty service obligation will be served in the health profession of

that individual, in a manner consistent with clauses (i) through (v) of subparagraph (A).”;

(D) in subparagraph (C), as so redesignated, by striking “prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A)” and inserting “described in subparagraph (A) by service in a program specified in that subparagraph”; and

(E) in subparagraph (D), as so redesignated—

(i) by striking “Subject to subparagraph (B),” and inserting “Subject to subparagraph (C),”; and

(ii) by striking “prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m)” and inserting “described in subparagraph (A)”;

(2) in paragraph (4)—

(A) in subparagraph (B), by striking the matter preceding clause (i) and inserting the following:

“(B) the period of obligated service described in paragraph (3)(A) shall be equal to the greater of—”; and

(B) in subparagraph (C), by striking “(42 U.S.C. 254m(g)(1)(B))” and inserting “(42 U.S.C. 2541(g)(1)(B))”;

(3) in paragraph (5), by adding at the end the following new subparagraphs:

“(C) Upon the death of an individual who receives an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

“(D) The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

“(i) it is not possible for the recipient to meet that obligation or make that payment;

“(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

“(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

“(E) Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

“(F) Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.”.

(c) REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.—Section 206 of the Indian Health Care Improvement Act (16 U.S.C. 1621e) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “Except as provided” and inserting “(a) RIGHT OF RECOVERY.—Except as provided”;

(ii) by striking “the reasonable expenses incurred” and inserting “the reasonable charges billed”;

(iii) by striking “in providing” and inserting “for providing”; and

(iv) by striking “for such expenses” and inserting “for such charges”; and

(B) in paragraph (2), by striking “such expenses” each place it appears and inserting “such charges”;

(2) in subsection (b), by striking "(b) Subsection (a))" and inserting "(b) RECOVERY AGAINST STATE WITH WORKERS' COMPENSATION LAWS OR NO-FAULT AUTOMOBILE ACCIDENT INSURANCE PROGRAM.—Subsection (a))";

(3) in subsection (c), by striking "(c) No law" and inserting "(c) PROHIBITION OF STATE LAW OR CONTRACT PROVISION IMPEDIMENT TO RIGHT OF RECOVERY.—No law";

(4) in subsection (d), by striking "(d) No action" and inserting "(d) RIGHT TO DAMAGES.—No action";

(5) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking "(e) The United States" and inserting "(e) INTERVENTION OR SEPARATE CIVIL ACTION.—The United States"; and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) while making all reasonable efforts to provide notice of the action to the individual to whom health services are provided prior to the filing of the action, instituting a civil action.";

(6) in subsection (f), by striking "(f) The United States" and inserting "(f) SERVICES COVERED UNDER A SELF-INSURANCE PLAN.—"; and

(7) by adding at the end the following new subsections:

"(g) COSTS OF ACTION.—In any action brought to enforce this section, the court shall award any prevailing plaintiff costs, including attorneys' fees that were reasonably incurred in that action.

"(h) RIGHT OF RECOVERY FOR FAILURE TO PROVIDE REASONABLE ASSURANCES.—The United States, an Indian tribe, or a tribal organization shall have the right to recover damages against any fiduciary of an insurance company or employee benefit plan that is a provider referred to in subsection (a) who—

"(1) fails to provide reasonable assurances that such insurance company or employee benefit plan has funds that are sufficient to pay all benefits owed by that insurance company or employee benefit plan in its capacity as such a provider; or

"(2) otherwise hinders or prevents recovery under subsection (a), including hindering the pursuit of any claim for a remedy that may be asserted by a beneficiary or participant covered under subsection (a) under any other applicable Federal or State law.";

#### **SEC. 17. REVOCATION OF CHARTER OF INCORPORATION OF THE MINNESOTA CHIPPEWA TRIBE UNDER THE INDIAN REORGANIZATION ACT.**

The request of the Minnesota Chippewa Tribe to surrender the charter of incorporation issued to that tribe on September 17, 1937, pursuant to section 17 of the Act of June 18, 1934, commonly known as the "Indian Reorganization Act" (48 Stat. 988, chapter 576; 25 U.S.C. 477) is hereby accepted and that charter of incorporation is hereby revoked.

#### **SEC. 18. LAND GRANT STATUS FOR 1994 INSTITUTIONS.**

Section 533(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended—

(1) in paragraph (4)(A), by striking the "Indian student count (as defined in section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2397h(3))" and inserting "Indian student count, as determined under paragraph (5))"; and

(2) by adding at the end the following new paragraph:

"(5) INDIAN STUDENT COUNT.—For purposes of paragraph (4), the Indian student count shall be—

"(A) for the 1994 Institutions listed in paragraphs (24), (25), and (27) of section 522, determined for those institutions in the same manner as an Indian student count is determined for tribally controlled community col-

leges pursuant to the definition of 'Indian student count' under section 2(7) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(7)); and

"(B) for all of the remaining 1994 Institutions listed in section 522, determined in accordance with the definition of 'Indian student count' under section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2397h(3))."

#### **SEC. 19. ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY ACT OF 1992.**

Section 5(6) of the Advisory Council on California Indian Policy Act of 1992 (106 Stat. 2133; 25 U.S.C. 651 note) is amended by striking "18 months" and inserting "36 months".

#### **SEC. 20. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.**

Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (title XXXVII of Public Law 102-575) is amended by striking "December 31, 1995" and inserting "December 31, 1996".

#### **SEC. 21. IN-LIEU FISHING SITE TRANSFER AUTHORITY.**

Section 401 of Public Law 100-581 (102 Stat. 2944-2945) is amended by adding at the end the following new subsection:

"(g) The Secretary of the Army is authorized to transfer funds to the Department of the Interior to be used for purposes of the continued operation and maintenance of sites improved or developed under this section.";

#### **SEC. 22. ADOLESCENT TRANSITIONAL LIVING FACILITY.**

Notwithstanding any other provision of law, any funds that were provided to the Ponca Indian Tribe of Nebraska for any of the fiscal years 1992 through 1995, and that were retained by that Indian tribe, pursuant to a self-determination contract with the Secretary of Health and Human Services that the Indian tribe entered into under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) to carry out programs and functions of the Indian Health Service may be used by that Indian tribe to acquire, develop, and maintain a transitional living facility for adolescents, including land for that facility.

#### **NATIONAL DRUG AWARENESS DAY**

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 189, submitted earlier today by Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 189) to designate Wednesday, November 1, 1995, as National Drug Awareness Day.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 189

Whereas illegal drug use among the youth of America is on the increase;

Whereas illegal drug use is a major health problem, ruining thousands of lives and costing billions of dollars;

Whereas illegal drug use contributes to crime on the streets and in the homes of this nation;

Whereas national attention has turned from illegal drug use to other issues, and support for sustained programs has decreased;

Whereas public awareness and sustained programs are essential to combat an ongoing social problem;

Whereas the answer to the illegal drug problem lies in America's communities, with local people involved in grass roots activities to keep their communities safe and drug free, and in encouraging personal responsibility;

Whereas the annual Red Ribbon Celebration, coordinated by the National Family Partnership and involving over 80,000,000 Americans in prevention activities each year, commemorates the sacrifices of people on the front lines in the war against illegal drug use;

Whereas substance abuse prevention, law enforcement, international narcotics control, and community awareness efforts contribute to preventing young people from starting illegal drug use; and

Whereas the American people have a continuing responsibility to combat illegal drug use: Now, therefore, be it

*Resolved*, That the Senate designate Wednesday, November 1, 1995, as "National Drug Awareness Day".

#### **WORKERS COMPENSATION BENEFITS**

Mr. SMITH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 215, H.R. 1715.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1715) respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1715) was deemed read the third time, and passed.

#### **EXECUTIVE SESSION**

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the military nominations